

**Introduced by Senator Hollingsworth**

February 21, 2003

---

An act to amend Section 12804.2 of the Vehicle Code, relating to vehicles.

**LEGISLATIVE COUNSEL'S DIGEST**

SB 630, as introduced, Hollingsworth. Vehicles: exemptions: nursery operations.

Existing law prohibits any person from operating a commercial motor vehicle, as specified, unless that person has in his or her possession a valid commercial driver's license for the appropriate class, and an endorsement issued by the Department of Motor Vehicles to permit the operation of the vehicle, unless exempt as specified.

Existing law exempts from the specified commercial motor vehicle endorsement requirement a person with at least a class C driver's license who is employed in an agricultural operation and is driving a vehicle controlled by a farmer and transporting agricultural products or farm machinery or supplies to or from a farm, if the person meets certain requirements.

This bill, additionally, would exempt from the specified commercial motor vehicle endorsement requirement a person with at least a class C driver's license who is employed in nursery operation and is driving a vehicle controlled by a farmer or a nursery operator and transporting agricultural products or farm machinery or supplies to or from a farm or nursery, if the person meets certain requirements.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.



*The people of the State of California do enact as follows:*

SECTION 1. Section 12804.2 of the Vehicle Code is amended to read:

12804.2. (a) Notwithstanding Section 15275, a person with at least a class C driver's license is exempt from the endorsement requirements of Section 15275 if all of the following conditions are met:

(1) The person is employed in an agricultural *or nursery* operation and is driving a vehicle, other than a vehicle used in common or contract motor carriage, controlled by a farmer *or nursery operator* and transporting agricultural products or farm machinery or supplies to or from a farm *or nursery*.

(2) (A) The person has completed an agricultural hazardous materials transportation program offered or approved by the Department of the California Highway Patrol. The Department of the California Highway Patrol shall make the program available at no cost, and the program shall contain information specifically applicable to the safe transportation of agricultural chemicals and shall not be less than two hours in length. If the commissioner determines that the program cannot be offered in a particular area of the state because of personnel constraints, a person in that area may instead comply with this requirement by receiving agricultural hazardous materials training, in a program and manner approved by the Department of the California Highway Patrol, from an organization or a person in a supervisory position that has been certified by the Department of the California Highway Patrol.

(B) Upon successful completion of the program specified in subparagraph (A), a verification of training, valid for four years, shall be issued by the instructor and shall be carried by the person when operating an implement of husbandry or a motor vehicle required to display placards or markings pursuant to Section 27903 or which is hauling hazardous waste, as defined in Sections 25115 and 25117 of the Health and Safety Code. Within 10 days of issuance by the instructor, a copy of the verification shall be forwarded by the person completing the training to the department for inclusion on the permanent driving record of the person, together with a fee of twelve dollars (\$12).

1 (C) The department, in consultation with the Department of the  
2 California Highway Patrol, shall develop a suitable form for  
3 verification of training.

4 (3) The person has, within the vehicle, informational material  
5 approved by the Department of the California Highway Patrol, in  
6 both English and Spanish, outlining basic safety procedures to be  
7 followed in the event of an accident. The Department of the  
8 California Highway Patrol shall provide the information required  
9 by this subdivision and make it available at no cost to the person.

10 (4) The person is operating a vehicle ~~which~~ *that* is an  
11 implement of husbandry or a motor vehicle requiring a class C  
12 driver's license and the distance which the vehicle is being  
13 operated between the final point of distribution and the ultimate  
14 point of application or from part of a farm to another part thereof,  
15 or from one farm to another, is not more than 50 miles.

16 (5) In lieu of a report of a medical examination required by  
17 Section 12804.9, an applicant for a certificate pursuant to  
18 paragraph (3) shall, upon application and every two years  
19 thereafter, submit medical information on a form approved by the  
20 department. A person who obtains a verification of training  
21 pursuant to this section, but does not meet the medical  
22 requirements for a hazardous materials endorsement established  
23 by the department under Section 12804.9, is not qualified to  
24 transport hazardous materials.

25 (6) For purposes of the penalties and sanctions prescribed by  
26 Article 7 (commencing with Section 15300) of Chapter 7, the  
27 operation of a vehicle pursuant to this subdivision is deemed to be  
28 the operation of a commercial motor vehicle.

29 (b) Implementation dates for this section may be established by  
30 the Department of Motor Vehicles by regulation in order to  
31 accomplish an orderly certification program.

